

Drug diversion following stop and search and custody: The 'Divert' programme

A new process for offenders found in possession of a controlled drug for personal use, where they are offered a community resolution as an alternative to prosecution.

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Key details

Does it work?	Promising
Focus	Diversion
Topic	Criminal justice Diversity and inclusion Drugs and alcohol Offender management Operational policing
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Region	West Midlands
Partners	Police Health services Voluntary/not for profit organisation

Key details

Stage of practice	The practice is implemented.
Start date	October 2020
Scale of initiative	Local
Target group	Adults Children and young people Offenders

Aim

This initiative aims to do the following.

- Treat possession of controlled drugs as a health issue rather than a criminal justice issue by diverting users into treatment.
- Prevent the criminalisation of users which can lead to more severe problems. Most drug possessions are found in stop and search which disproportionately affects young black people, resulting in many entering the criminal justice system. This initiative does not require arrest or interview and thus reduces disproportionality in the criminal justice system.
- Reduce the profits of organised crime organisations by reducing the number of users buying drugs.
- Reduce demand on officers and staff.

Intended outcome

This initiative intends to:

- cause a reduction in formal criminal justice outcomes for Simple Possession of Drugs
- standardise outcomes for the same offence (Community Resolution replaces Police National Database, Cannabis caution, Simple Caution and Charge)
- cause a reduction in reoffending
- increase positive health benefits

The intervention helps to reduce reoffending and increases positive health benefits through educating users about all the harmful effects of the drugs they are using – including health, relationships and life choices. This enables them to make more informed decisions.

Description

West Midlands Police worked in conjunction with the Office of Police and Crime Commissioner (OPCC) to introduce a new drugs policy. The OPCC and the force were interested by a pilot in Thames Valley Police, which Cranstoun (the organisation providing substance misuse services to West Midlands Police) were also involved in. Thames Valley Police had carried out some early internal evaluations which indicated positive outcomes and it was decided this was a policy West Midlands Police could replicate force wide.

The new drugs policy means that (with a few exceptions) officers offer a Community Resolution to all offenders found in possession of any controlled drug for personal use, providing the offender agrees to engage with a drug intervention commissioned from Cranstoun. A Community Resolution is an informal means of resolving a crime without the offender having to attend court. It does not result in a criminal record, but is recorded as a disposal and may be disclosed if an offender subsequently requires a Disclosure and Barring Service (DBS) check for certain occupations.

Officers and staff can refer an individual for diversion through a simple app on their mobile phone. Cranstoun provides training on this process and the importance of the referral.

Once referred, the intervention starts with a one to one telephone assessment and harm reduction session with a drug worker. This is a telephone interview between the participant and a substance misuse worker to ascertain potential risks – for example, mixing substances and severity of use. The participant is asked about all of their drug use, alcohol intake and any health or mental health issues. The substance misuse worker then gives them personalised harm reduction advice about how they can keep themselves safe, and allocates them to the most appropriate intervention course.

After the assessment, most participants attend an online group interactive educational course which is two to three hours long. This is a series of interactive exercises designed to educate the participant about the impact of drugs on their lives – health, relationships, work, travel and the wider impact of drugs such as exploitation and modern-day slavery.

There is no penalty for non-compliance, but an intelligence log is submitted to prevent the participant being offered the course again. If they complete the programme and are later caught for another drugs possession offence, they can be offered diversion again as many times as necessary – providing they engage each time.

The intervention is commissioned by the Office of Police and Crime Commissioner (OPCC). It took about six months to carry out consultation, agree the policy, and have it signed off by the Force Executive Team and OPCC.

Evaluation

The initiative has been included in the Cabinet Office-funded evaluation of police drug diversion, which is being carried out by a consortium of organisations led by the University of Kent. The work is supported by the College of Policing and the National Police Chiefs Council. The study aims to understand the implementation, impact and cost-effectiveness of police drug diversion.

A quantitative impact evaluation compares health and re-offending outcomes. It evaluates outcomes for cohorts of offenders who have contact with the police for drug-related offences in police force areas with diversion schemes with the outcome for offenders in police forces areas without schemes.

A mixed methods process evaluation, being carried out in three forces with diversion schemes, involves interviews with officers, service users and stakeholders. This seeks to understand the mechanisms by which diversion can change behaviour and the contexts in which diversion works. Loughborough University and User Voice (an organisation which seeks to reduce offending and support rehabilitation) are carrying out the process evaluation work in West Midlands.

The evaluation is due to end in March 2025.

Overall impact

Force reported improvements

- Recorded offences for possession of drugs increased by 30% as soon as the pilot started. These people would previously have received no police intervention.
- 65% of participants comply with at least the assessment/harm reduction interview with the drug worker. These offenders would previously have received no harm reduction advice.

- Two years after introduction of the policy, formal criminal justice outcomes had fallen by 71% for charges and 80% for cautions.
- Formal criminal justice outcomes fell for all ethnic groups for Simple Possession offences between July to December 2019 and July to December 2021. This was most significantly for African-Caribbean males which fell from 46% to 12.5%.
- Officers report that the policy has taken some of the conflict out of stop and search encounters which now rarely lead to arrest.

Learning

West Midlands cite the implementation of this initiative as relatively easy. This was believed to be due to several factors, such as the following.

- The policy is straightforward and easy to remember. It replaced several possible outcomes, so officers previously had to decide what action to take, this led to inconsistent and sometimes inappropriate outcomes.
The young workforce related to the policy and felt it to be morally right.
- The referral mechanism agreed with Cranstoun is very easy to use, with a portal on the officer's mobile devices so referrals can be made at the scene and there is no administration to be completed later in the shift.

Other key learnings

- The immediate volume of referrals considerably outstripped projections based on analysis of crime data. This was the result of the 30% uplift in reported offences, believed to be due to officers not recording all offences prior to the policy change. Cranstoun were able to manage this volume because courses were being run on Zoom rather than face to face, so it was easier to both increase capacity and arrange additional sessions.
- A review of the Zoom policy post pandemic resulted in it being retained, as it particularly suited the demographic of participants referred and allowed considerable flexibility for engagement.

Best available evidence

[Police-led pre-charge diversion models for young offenders | College of Policing](https://www.college.police.uk/support-forces/practices/drug-diversion-following-stop-and-search-and-custody-divert-programme)

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Tags

Stop and search